

E-filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 DELANEY MARKS, No. C-10-2540 TEH (PR)
12 Petitioner,
13 v. ORDER OF DISMISSAL
14 FIRST NATIONAL BANK,
15 Respondent(s).
16 _____/

18 This habeas corpus action by a pro se prisoner was filed
19 on June 9, 2010. Doc. #1. The Court notified Petitioner in writing
20 at that time that the action was deficient because he did not pay
21 the requisite \$ 5.00 filing fee or, instead, submit a signed and
22 completed court-approved in forma pauperis application, including a
23 completed certificate of funds in his prison trust account and a
24 copy of his prison trust account statement for the last six months.
25 See 28 U.S.C. § 1915(a)(2). Petitioner was advised that failure to
26 file the requested items within thirty days would result in
27 dismissal of the action. Doc. #2.

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1 On June 29, 2010, Petitioner filed an in forma pauperis
2 application, and included the requisite certificate of funds. Doc.
3 #3. But the certificate was both incomplete and not signed not by
4 an "authorized officer of the institution." See id. at 7. Further,
5 Petitioner failed to file a copy of his prison trust account
6 statement for the last six months. Petitioner's in forma pauperis
7 application, therefore, remains deficient.

8 Over thirty (30) days have elapsed since Petitioner was
9 sent notice of his filing deficiency. Petitioner has not provided
10 the Court with the requisite items, or sought an extension of time
11 to do so. Accordingly, the action is DISMISSED without prejudice.

12 The Clerk is directed to terminate all pending motions as
13 moot and close the file.

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15 IT IS SO ORDERED.

16 DATED

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20 THELTON E. HENDERSON
21 United States District Judge
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